

## 2023 South Dakota Legislature

**Senate Bill 139****AMENDMENT 139G  
FOR THE SENATE STATE AFFAIRS ENGROSSED BILL**

1 **An Act to revise residency requirements for the purposes of voter registration.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 12-1-4 be AMENDED:**

4 **12-1-4.** For the purposes of this title, the term, residence, means the place in  
5 which a person ~~has fixed his or her habitation~~ is domiciled as shown by an actual fixed  
6 permanent dwelling, establishment, or any other abode ~~and to which the person, whenever~~  
7 ~~absent, intends to return~~ returns after a period of absence.

8 A person who ~~has left home and gone~~ leaves the residence and goes into another  
9 county of this state or another state or territory or county of this state for a temporary  
10 purpose ~~only~~ has not changed his or her residence.

11 A person is considered to have gained a residence in any county or municipality of  
12 this state in which the person actually lives, if the person has no present intention of  
13 leaving.

14 A person retains residence in this state until another residence has been gained. If  
15 a person moves from this state to another state, or to any of the other territories, territory  
16 with the intention of making it his or her the person's permanent home, the person ~~thereby~~  
17 loses residence in this state.

18 **Section 2. That § 12-3-1 be AMENDED:**

19 **12-3-1.** Every person ~~resident of~~ who, at the time of an election, maintains  
20 residence in this state ~~who shall be of the age of, will be~~ eighteen years ~~and upwards of~~  
21 age or older on or before the next election, is not otherwise disqualified, ~~who shall have~~  
22 complied and complies with the ~~provisions of law relating to~~ regarding the registration of  
23 voters pursuant to chapter 12-4, ~~shall be entitled to~~ may vote at any election in this state.

24 **Section 3. That § 12-4-1 be AMENDED:**

1           **12-4-1.** Every person residing who maintains residence, as provided in § 12-1-4,  
2 within the state for at least thirty days ~~in the year~~ prior to submitting the registration  
3 form, and who has the qualifications of a voter prescribed by § 12-3-1 or 12-3-1.1, or  
4 who will have such qualifications at the next ensuing municipal, primary, general, or school  
5 district election, ~~shall be~~ is entitled to be registered as a voter in the ~~voting precinct in~~  
6 which he resides election precinct in which the person maintains residence.

7           A person eligible to vote may vote only in the election precinct where the person  
8 maintains residence.

9           **Section 4. That chapter 12-4 be amended with a NEW SECTION:**

10           The voter registration form must include a certification of voter eligibility by which  
11 the applicant attests, under the penalty of perjury, that the applicant:

- 12           (1) Is a citizen of the United States;  
13           (2) Will be eighteen years or older on or before the next election;  
14           (3) Has maintained residence at the address provided on the registration form for at  
15           least thirty days ~~in the year~~ prior to submitting the registration form;  
16           (4) Has not been judged mentally incompetent;  
17           (5) Is not currently serving a sentence for a felony conviction; and  
18           (6) Authorizes the cancellation of a previous registration, if applicable.